

PATENT COOPERATION TREATY

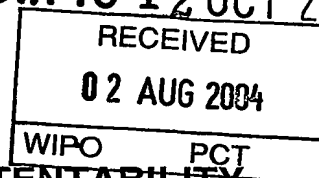
PCT


INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Rec'd PCT/PTO 12 OCT 2004



Applicant's or agent's file reference 8/2AD81/MK/2		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/NL 03/00268		International filing date (day/month/year) 09.04.2003	Priority date (day/month/year) 12.04.2002	
International Patent Classification (IPC) or national classification and IPC G03D15/00				
Applicant DUTCH THINKING MANAGEMENT-B.V. et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 4 sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 10.11.2003		Date of completion of this report 30.07.2004		
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Tomezzoli, G Telephone No. +49 89 2399-2453		



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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-11 as originally filed

Claims, Numbers

1-19 received on 07.07.2004 with letter of 05.07.2004

Drawings, Sheets

1/2-2/2 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1, 10, 18
Inventive step (IS)	Yes: Claims	
	No: Claims	2-9, 10-17, 19
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The following documents are referred to in this International Preliminary Examination Report:
D1: US-A-5 508 783;
D2: WO-A-90/04205.
Document D2 was not cited in the international search report and has been found after the telephone consultation with the applicant on 23/02/2004.
2. Independent Claim 1, due mainly to its broad wording, is not novel (Article 33(2) PCT) in respect to the disclosure of document D2. In fact, document D2 (cf. fig. 1-3, 5, 10 and the relevant description portions) which appears to represent the closest state of the art for this application, already discloses:

a system (cf. figs. 2, 10) for making available, via a wide area computer network (910, 915; 930, 945; 940, 945; 960, 965; 967, 985; 967, 995), images that are made by means of an image pick-up device (cf. fig. 2, film cassette), comprising a housing (i.e. the housing of the film cassette, not numbered), image storing means (100) which are arranged in the housing (cf. fig. 2) for storing image data, a first identification code (cf. fig. 5, owner 60) which is associated with the image storage means (100) for identification thereof and a database locator code (cf. fig. 5, frame #) for locating the image data in a database (cf. fig. 5), the system comprising:
 - at least one first computer (930, 965) that is connectable to a computer network (910, 915; 930, 945; 940, 945; 960, 965; 967, 985; 967, 995) for inputting the database locator code (cf. fig. 5, frame #) and viewing the images (cf. fig. 26, lines 22-24),
 - at least one second computer (960, 945) that is connectable to a computer network (910, 915; 930, 945; 940, 945; 960, 965; 967, 985; 967, 995) comprising at least one database for storing the images (cf. page 28, lines 11-14) and image data base transfer means (cf. page 28, lines 19-23) for transferring image data into the database (cf. fig. 5), wherein:
 - the images are associated with the first code and the first code is the same as the database locator code or the second code (i.e. the database locator code, cf. fig. 5, frame #) is associated with the first code (cf. fig. 5, i.e. the owner 60).

3. Independent Claim 10, due mainly to its broad wording, is not novel (Article 33(2) PCT) in respect to the disclosure of document D2. In fact, document D2 (cf. fig. 1-3, 5, 10 and the relevant description portions), already discloses:

a single use image pick-up device (cf. fig. 2, film cassette), comprising:

- a housing (not numbered),
- image storage means (100) which are arranged in the housing (cf. fig. 2) for storing image data,
- a first identification code (cf. fig. 5, owner 60) for identifying the image storage means (100) or recorded images within a database (cf. fig. 5) which code is associated with the image storage means (100),
- a database locator code (cf. fig. 5, frame #) for locating the data base on a wide area computer network (cf. fig. 10).

3. Independent Claim 10 is also not novel (Article 33(2) PCT) in the light of the disclosure of D1 (cf. figs. 4-6 and the relevant description portions): image pick-up device (21), housing (i.e. the housing not numbered, of the image pick-up device), image storage means (i.e. the film in the the housing not numbered, of the image pick-up device), first identification code (cf. col. 17, last para. i.e. the customer's code), second identification code (cf. col. 17, last para. i.e. the customer's request for processing services).

4. Independent Claim 18, due to its broad wording, is also not novel (Article 33(2) PCT) in respect to the disclosure of document D2. In fact, document D2 (cf. fig. 1-3, 5, 10 and the relevant description portions) already discloses:

a method (cf. fig. 10) [of] distributing images, comprising [the] steps [of]:

- recording image data in image storage means (100) of an image pick-up device for once-only use (cf. fig. 2, film cassette) which data are associated with a first identification code (cf. fig. 5, owner 60) for identifying the image storage means (100) or recorded images within a database, which first identification code (cf. fig. 5, owner 60) is associated with the image storage means (100);
- removing or taking over (at the computer 910, 915) a database locator code (cf. fig. 5, frame #) from the housing;
- transferring the image data via a wide area computer network (cf. fig. 10, nos. 910, 915; 930, 945; 940, 945; 960, 965; 967, 985; 967, 995) from the image storage means (100) to a database (developed film) together with the first code

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(cf. fig. 5, owner 60) with which the image data are associated,
- making connection (cf. fig. 10) to a database using a computer (960, 965) and
retrieving the image data by means of the computer (960, 965) on the base of the
database locator code (cf. fig. 5, frame #), wherein:
- the images are associated with the first code (cf. fig. 5, owner 60) and the first
code is the same as the second code or the database locator code (cf. fig. 5,
frame #) is associated with the first code (cf. fig. 5, owner 60).

6. Dependent Claims 2-9, 11-17, 19 do not appear to contain any additional subject-matter which, in combination with the subject-matter of any claim to which they refer, result in an inventive step (Article 33(3) PCT) because their limitations respectively on the image pick-up device of Claim 1, the system of Claim 9 and the method of Claim 18 are well within the normal knowledge and the capability of a person skilled in the art.

7. The industrial applicability (Article 33(4) PCT) of the subject-matter of Claims 1-19 is evident.
